IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTY FIRST DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 1049 of 2005

Between:

Ch. Jaya Jyothsna, W/o.D.Kamalakara Babu,
(Whereabout not known), R/o.Kolavennu Village,
Kankipadu Mandal, Krishna District.

..... PETITIONER

AND

1 The Syndicate Bank rep.by its Authorised officer

(Securitisation and Reconstruction of Financial Assets
and Enforcement of Security Interest Act),

Regional Office, Mogalrajapuram, Vijayawada,
Krishna District.
2 The Manager, Syndicate Bank,

Anigandlapadu Branch, Penugandiprolu Mandal,
Krishna District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the impugned action of the respondents in issuing the impugned notification dated 5-12-2004 for taking possession of the house property of the petitioner in the guise of exercise of powers under Securitisation and Reconstruction of Financial Assets and Enforcement of security Interest Act, 2002 without any notice or opportunity to the petitioner as highly illegal, arbitrary and violative of Art.14 of the Constitution of India and consequently set aside the same and pass such other order or orders.

Counsel for the Petitioner :Mr.G.V.SHIVAJI

Counsel for the Respondents :None appeared.

The Court at the stage of admission made the following :

ORDER:

Against the impugned order, dated 05-12-2004, passed under Section 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002,(for short "the Act"), a remedy is available under Section 17 of the Act by way of appeal. Without exhausting the said alternative remedy, the petitioner cannot maintain this writ petition.

Accordingly, granting leave and liberty to the petitioner, the writ petition is disposed of. No costs.

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31-01-2005.

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To

1 The Authorised officer,

Syndicate Bank,

(Securitisation and Reconstruction of Financial Assets
and Enforcement of Security Interest Act),

Regional Office, Mogalrajapuram, Vijayawada,
Krishna District.

2 The Manager, Syndicate Bank,

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